

US FEDERAL COURT FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE

Estate of Dorothy Ruth Cholick, Sylvia
Cholick, and L. A. P. Truly Humane Society,
Plaintiffs

v.

Vicky and Michael Lucas, Lucas, J.L. Bolpes
Hernandez, Elite Corp., PHC, Omar Lucio,
Cameron County, Stephen Mayer, City of Harlingen,
Mental Health Officer Saucedo, Head of Mental
Health Liason Outfit, HPD Officer Harley, 2 female
Officers X and Y, Jessica Martinez, and Mary
Gutierrez

United States District Court
Southern District of Texas
FILED

SEP 5 2017

David J. Bradley, Clerk of Court

B - 17 - 183

United States District Court
Southern District of Texas
FILED

NOV 03 2016

David J. Bradley, Clerk of Court

B - 16 - 281

Case No. _____

PLAINTIFF'S ORIGINAL PETITION

PLAINTIFF Sylvia Cholick (hereinafter CHOLICK) of 810 N. 21st Street, Harlingen, Texas 78550, comes before the Court to complain of the joint actions of the Defendants' conspiracy to falsify police, sheriff, and medical records for the purpose of creating a fraudulent Guardianship of PL. CHOLICK, maliciously, sadistically a ward of the state of Texas, thereby denying PL. CHOLICK of any and ALL state and federal civil rights—forever, and each and every individual joined the conspiracy for personal financial gain.

This Court has jurisdiction over this case, as the case raises federal questions.

FEDERAL LAWS OR STATUTES INVOLVED IN THIS SUIT

- I. PL. CHOLICK cites violations of the US Constitution's First Amendment – freedom of speech
- II. PL. CHOLICK cites 42 USC Section 1983 that provides a cause of action against "any person" who, while acting "under color of any state law "subjects or causes a Plaintiff to be subjected " to a violation of federal constitutional or statutory rights.
- III. PL. CHOLICK cites the Civil Rights Act of 1871 Section 1985(3) regarding that damages are granted against PRIVATE CONSPIRACIES to deprive "any person or class of persons the equal protection of the laws, or of equal privileges and immunities of the laws".
- IV. In the Privatization context federal law also subjects PRIVATE parties to 42 USC Section 1983 liability because they perform a government function. Elite PHC Corp. provides home health services funded by the government.
- V. This case involves foreign nationals (Vicky Lucas and Bolpes Hernandez).
- VI. PL CHOLICK cites numerous, and conspiratorial violations of PL CHOLICK, et. al, 4th Amendment Right of protection against objectively unreasonable, and intentional force while seized by state actors
- VII. PL CHOLICK, et al, cites numerous and conspiratorial violation of PL CHOLICK, et al, of maliciously, sadistically, and could-have-been lethal force against PL CHOLICK (Sylvia) during detention, and while in Cameron County Jail.

US FEDERAL COURT FOR THE SOUTHERN DISTRICT OF TEXAS
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VIII. PL CHOLICK, et al, cites numerous and heinous conspiratorial violations against PL CHOLICK (Sylvia) who is protected under the 14th Amendment that "protects a pretrial detainee from the use of excessive force that amounts to punishment" and force used "with intent to harm".

IX. PL CHOLICK cites violations of 18 U.S.C. Code § 241 and § 2401

PL. CHOLICK states that the DEFENDANTS acted in concert with "state actors", and as such are considered to be "state actors" for 42 USC Section 1983 purposes. DEFENDANTS worked, and are still working in a COMMON PLAN to deprive PL. CHOLICK of 1st Amendment Right, freedom of speech, and "due process" under the 14th Amendment of the US Constitution, and Fourth, Fifth, and Eighth Amendments, as well as property, and in all probability- life itself.

PL. CHOLICK prays only to a "higher power" and asks for damages of 10 Million USD, and appropriate attorney fees. (This statement is made with all due respect to the Court. There is no facetious intent. PL CHOLICK is speaking to the usual "antiquated" and dated legal jargon. Thank You.) PL CHOLICK has suffered in the jurisdiction of Cameron County, Texas, and the Jurisdiction of the City of Harlingen numerous injustices, from heinous slander to attempted felony murder in the first degree to stockbroker fraud and Identity theft and fraudulent electronic transfer of \$nearly \$400.00 USD which have caused a serious and near lethal physical condition.

Sylvia Cholick, Plaintiff Pro Se Litigant Date Oct. 30, 2016

810 N. 21st St., Harlingen, Tx 78550 956-730-3552

JS 44 (Rev. 08/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

B-17-183

(b) County of Residence of First Listed Plaintiff CAMERON
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant CAMERON
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input checked="" type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input checked="" type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input checked="" type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input checked="" type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input checked="" type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input checked="" type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☒ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983, 1985(3), 1st, 4th, 5th, 8th, 14 AMENDMENT
Brief description of cause: attempt to defraud CHOLICK of all inheritance to U.S. CONSTITUTION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
☐ DEMAND: 10M
☐ CHECK YES only if demanded in complaint: NO

VIII. RELATED CASE(S)

IF ANY BANKRUPTCY JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Sylvia Cholick, PRO SE LITIGANT

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

9-2-2017 **B-17-183**

HELLO CLERK OF COURT,

I WISH TO REFILE CAUSE
No: B-1600281.

I HAVE ENCLOSED A SELF-
ADDRESSED ENVELOPE

PLEASE DATE / ~~STAMPED~~ AND
RETURN TO ME.

I THANK YOU.

Sylvia Cholick, 810 N. 26th St.
956 730-3552 HARLINGEN, TX
78550

SYLVIA CHOLICK
810 N. 26th ST.
HARRLINGEN, TX 78550

MCALLEN TX 785
02 SEP 2017 PM 2 T



SEP 05 2017

CLEER:
U.S. DISTRICT COURT
SO. DIST. OF TEXAS
600 E. HARRISON #101
BROWNSVILLE, TEXAS 78520-7114

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